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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

**ELECTRONICALLY FILED**

CIVIL ACTION NO. \_\_\_\_\_

UNITED STATES OF AMERICA,

PLAINTIFF

vs.

**COMPLAINT**

FOUR STAR RESOURCES, LLC

DEFENDANT

\* \* \* \* \*

The United States, by and through its counsel, the United States Attorney for the Eastern District of Kentucky, brings this action against the defendant, Four Star Resources, LLC, to collect civil penalties and other amounts owed to the United States under the Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq. (“Mine Act”), and the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001, et seq., as applicable.

JURISDICTION

Jurisdiction of this action is conferred upon this Court by Sections 108(a)(1) and 110(j) of the Mine Act, 30 U.S.C. §§ 818(a)(1) and 820(j).

VENUE

Since the subject matter of this action occurred in Harlan County, Kentucky, venue of this action lies in the United States District Court for the Eastern District of Kentucky, London Division, pursuant to Sections 108(a) and 110(j) of the Mine Act, 30 U.S.C. §§ 818(a)(1) and 820(j).

FOUR STAR RESOURCES, LLC IS AN OPERATOR OF A COAL OR OTHER MINE

1. At all relevant times, Four Star Resources, LLC was a company engaged in the business of mining coal in Harlan County, Kentucky, within the jurisdiction of this Court.
2. At all relevant times, Four Star Resources, LLC was an “operator” within the meaning of Section 3(d) of the Mine Act, 30 U.S.C § 802(d).
3. At all relevant times Four Star Resources, LLC operated an underground mine designates as Four Star Resources, LLC.
4. At all relevant times, Four Star Resources, LLC operated, controlled, or supervised a coal or other mine within the meaning of Section 3(h) of the Mine Act, 30 U.S.C. § 802(h)
5. At all relevant times, Four Star Resources, LLC’s mining operations entered commerce, or the operations for products of which affected commerce, within the meaning of Section 4 of the Mine Act, 30 U.S.C. § 803.

CIVIL PENALTIES OWED TO THE UNITED STATES

6. From approximately July 2011 to June 2014, the Mine Safety and Health Administration (“MSHA”) issued approximately forty-four (44) citations and orders to Four Star Resources, LLC for violations of the Mine Act at its mine that have become final orders within the meaning of Sections 105(a) and 105(d) of the Mine Act, 30 U.S.C. §§ 815(a) and 815(d).
7. With respect to the approximately forty-four (44) citations and orders referred to in paragraph 6 above, MSHA assessed civil penalties for each violation pursuant to Section 110(a) of the Mine Act, 30 U.S.C. § 820(a), totaling \$99,154.06.
8. Of the principal amount described in Paragraph 7 above, \$99,154.06 is still due and

owing to the United States.

9. Between July 2011 and June 2014, demand for payment was made to Four Star Resources, LLC for each penalty assessed. Those demand letters provided notice to Four Star Resources, LLC of its unpaid civil penalties and likely legal action in the event payment was not received.

#### LIABILITY

10. As an operator of the coal or other mine for which the citations and penalties described above were issued, Four Star Resources, LLC is liable to unpaid civil penalties pursuant to Section 110(j) of the Mine Act, 30 U.S.C. § 820(j).

#### PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following relief:

11. A Judgment against Four Star Resources, LLC for the principal amount of \$71,926 in unpaid civil penalties and administrative costs in the amount of \$60.00, owed to the United States for Mine Act violations. (See attached Certificates of Indebtedness, Exhibits A through J).
12. A Judgement against Four Star Resources, LLC, for interest on the principal amount of the unpaid civil penalties at the rate of 8% per annum as authorized by Section 110(j) of the Mine Act, 30 U.S.C. § 820(j), in an amount not less than \$1,200.53. (See attached Certificates of Indebtedness, Exhibits A through J)
13. A Judgment against Four Star Resources, LLC for penalty charges on the principal amount of the unpaid civil debts, at the rate of 6% per annum as authorized by the Debt Collection Improvement Act, 31 U.S.C. § 3717(e)(2), in an amount not less than \$797.64

(See attached Certificated of Indebtedness, Exhibits A through J).

14. A Judgment against Four Star Resources, LLC for Department of Treasury, Bureau of the Fiscal Service, Debt Management Services (DMS) & Department of Justice fees on the principal amount of the unpaid civil penalties in an amount of not less than \$ 25,169.89.

(See attached Certificates of Indebtedness, Exhibits A through J).

15. For its costs in the amount of \$350.00, as authorized by 28 U.S.C. § 1914.
16. For any other relief to which the Plaintiff may be entitled.

Respectfully submitted,

CARLTON S. SHIER IV  
ACTING UNITED STATES ATTORNEY

By: s/Rajbir Datta  
Rajbir Datta  
Assistant United States Attorney  
260 West Vine Street, Ste. 300  
Lexington, Kentucky 40507  
Phone 859-685-4923  
rajbir.datta@usdoj.gov